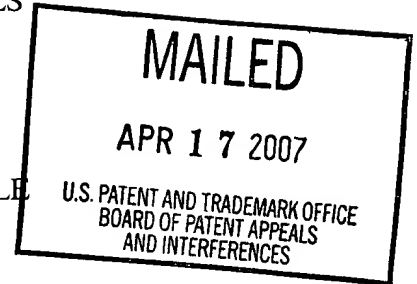


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MITCHELL R. FRANK,
WILLIAM T. DANIELL and BRIAN K. DAIGLE



Application No. 09/759,428

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

The Board of Patent Appeals and Interferences (Board) electronically received this application on January 31, 2007. The application is not ready for review and consideration by the Board for the reason(s) noted below. Accordingly, the application is herewith being returned to the Examiner to take action consistent with the guidance provided by this order.

INFORMATION DISCLOSURE STATEMENT

On January 12, 2001, Appellants filed an Information Disclosure Statement (IDS), including a completed Form PTO-1449. However, the Form PTO-1449 is not of record in the electronic file wrapper. In addition, there is no indication on the record that the Examiner considered the above noted Information Disclosure Statement.

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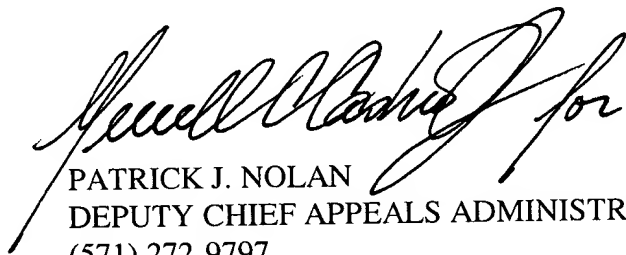
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action on the following:

- 1) to request a copy of the Form PTO-1449 submitted on January 12, 2001, from Appellants to make it of record;
- 2) once the Form PTO 1449 is made of record, to consider the Information Disclosure Statement consistent with Office policy; and
- 3) to notify Appellants of the Examiner's consideration in writing.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Patrick J. Nolan for". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

PATRICK J. NOLAN
DEPUTY CHIEF APPEALS ADMINISTRATOR
(571) 272-9797

PJN/dpv

Application No. 09/759,428

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